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CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE LOS ANGELES COUNTY  
PROFESSIONAL PEACE  
OFFICERS ASSOCIATION,  
BRUCE VALLERAND,  
THEODOROS ANADOLIS,  
WAYLUP CHOY, MIKE COHEN,  
JIM CRONIN, ALEX FARFAN,  
GERARDO GARCIA, TONY  
HAYDEN, TODD HOYLE,  
MARTHA REYES, LEON  
REYNOLDS, JOSE RIVERA, KEN  
RYNO, and JUDI TREDY on behalf  
of themselves individually and all  
others similarly situated,  
Plaintiffs,

v.

THE COUNTY OF LOS ANGELES,  
LEE BACA, individually and as  
SHERIFF of LOS ANGELES  
COUNTY, MARGARET A. YORK,  
individually and as CHIEF of the  
LOS ANGELES COUNTY POLICE,  
and DOES 1 - 10, inclusive,  
Defendants.

CASE NO: CV08-05057  
[COLLECTIVE ACTION]  
COMPLAINT FOR:

- (1) UNPAID OVERTIME  
COMPENSATION  
(29 U.S.C. §§ 201 et seq.)
- (2) FAILURE TO PROVIDE  
PROPER CTO  
(29 U.S.C. § 207(o))
- (3) LIQUIDATED DAMAGES  
AND INTEREST  
(29 U.S.C. § 216)
- (4) REASONABLE ATTORNEYS  
FEES AND COSTS  
(29 U.S.C. § 216)
- (5) DECLARATORY and  
INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

JFW

VBKX

## I. INTRODUCTION

1  
2 1. This is an “opt-in” collective action pursuant to 29 U.S.C. §216(b)  
3 seeking unpaid overtime compensation and compensatory time off (“CTO”), as  
4 well as applicable interest, liquidated damages, declaratory relief & injunctive  
5 relief, and reasonable attorneys fees and costs, brought by named Plaintiffs the Los  
6 Angeles County Professional Peace Officers Association (“LA PPOA”), Bruce  
7 Vallerand, Theodoros Anadolis, Waylup Choy, Mike Cohen, Jim Cronin, Alex  
8 Farfan, Gerardo Garcia, Tony Hayden, Todd Hoyle, Martha Reyes, Leon  
9 Reynolds, Jose Rivera, Ken Ryno, and Judi Tredy on behalf of themselves  
10 individually and on behalf of all other County of Los Angeles Sheriff’s  
11 Department peace officer supervisors and non-sworn Security Officers, and on  
12 behalf of all other County of Los Angeles Police Department peace officer  
13 employees, who are similarly situated to the named Plaintiffs. For at least three  
14 years prior to the filing of this lawsuit, Defendant County of Los Angeles has  
15 violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 et seq., by  
16 failing to provide overtime compensation to supervisory employees of its Sheriff’s  
17 and Police Departments for the time spent performing various required pre and  
18 post shift supervisory tasks, and by failing to provide overtime compensation to  
19 supervisory peace officer employees and non-sworn Security Officers of its  
20 Sheriff’s Department and to peace officer employees of its Police Department for  
21 the pre and post shift time spent preparing, maintaining, donning (‘putting on’)  
22 and doffing (‘taking off’) designated Department uniforms and special protective  
23 gear. All such time is compensable under the FLSA, yet the County of Los  
24 Angeles has failed to provide overtime compensation for such time incurred by its  
25 Sheriff’s Department peace officer supervisors and non-sworn Security Officers,  
26 and by its Police Department peace officer employees. Defendant County of Los  
27 Angeles has also violated the FLSA by at times providing CTO on only an hour-

1 for-hour basis, instead of the required hour and a half for each overtime hour  
2 worked basis, to the same Sheriff's and Police Department employees. Plaintiffs  
3 seek proper overtime compensation for all such pre and post shift time incurred  
4 and seek properly accrued CTO, as well as liquidated damages equal to such  
5 improperly withheld overtime compensation and/or CTO, as allowed under the  
6 FLSA, and interest on such damages. Plaintiffs also seek declaratory relief such  
7 that the Court will declare the County has violated the FLSA by failing to provide  
8 overtime compensation for pre and post shift supervisory tasks and for all pre and  
9 post shift time associated with required uniforms & special protective gear and by  
10 failing to provide properly accrued CTO to Plaintiffs and similarly situated  
11 employees. In turn, Plaintiffs also seek injunctive relief such that the Court will  
12 order the County to cease such FLSA violations by providing proper overtime  
13 compensation and CTO from this point forward. Finally, Plaintiffs seek  
14 reasonable attorneys fees and costs as part of this collective action.

## 15 **II. PARTIES**

16 2. The individuals named as Plaintiffs, Bruce Vallerand, Theodoros  
17 Anadolis, Waylup Choy, Mike Cohen, Jim Cronin, Alex Farfan, Gerardo Garcia,  
18 Tony Hayden, Todd Hoyle, Martha Reyes, Leon Reynolds, Jose Rivera, Ken  
19 Ryno, and Judi Tredy, at all times pertinent to this action were and still are  
20 members of LA PPOA, and were employed by Defendant County of Los Angeles  
21 and/or still are employed by Defendant County of Los Angeles. Since this lawsuit  
22 is a 'collective action' under the FLSA, these named Plaintiffs are acting as  
23 representatives for all similarly situated past and present employees of Defendant  
24 County of Los Angeles, including sworn Sergeants and Lieutenants employed by  
25 the Los Angeles County Sheriff's Department who were and/or are members of  
26 LA PPOA (as part of Bargaining Unit No. 612), non-sworn Security Officers  
27 employed by the same Sheriff's Department who were and/or are members of LA

1 PPOA (as part of Bargaining Unit No. 621), and sworn peace officers employed  
2 by the Los Angeles County Police Department who were and/or are members of  
3 LA PPOA (as part of Bargaining Units Nos. 631 and 632). These named  
4 Plaintiffs have consented to represent all such similarly situated past and present  
5 employees of Defendant County, and have consented to "opt-in" to this FLSA  
6 collective action, as required by 29 U.S.C. § 216(b), as shown by their signed  
7 consents which will be filed with the Court shortly after the filing of this  
8 Complaint.

9 3. Defendant County of Los Angeles, ("County" or "Defendant  
10 County") is, and at all times mentioned herein was, a local government  
11 subdivision of the State of California, governed by the Meyers-Milias-Brown Act  
12 ("MMBA") as a public agency as defined at CA Gov. Code § 3501(c). The  
13 County is duly organized, validly existing, and administered under the laws of the  
14 State of California. For the purposes of this FLSA collective action and as a  
15 Defendant to this action, the County includes the Los Angeles County Sheriff's  
16 Department ("LASD"), the Los Angeles County Police Department ("LACP"), and  
17 all agents, employees, attorneys, accountants, investigators, officers, directors,  
18 representatives, and anyone else acting on behalf of these Departments and/or on  
19 behalf of the County.

20 4. Defendant LEE BACA is and at all times applicable to and relevant to  
21 this collective action has been the Sheriff for LASD and is sued individually and  
22 in his capacity as the Sheriff for LASD. He is a United States citizen and a  
23 resident of the state of California.

24 5. Defendant MARGARET A. YORK is and at all times applicable to  
25 and relevant to this collective action has been the Chief for LACP and is sued  
26 individually and in her capacity as the Chief for LACP. She is a United States  
27

1 citizen and a resident of the state of California.

2 6. At all times herein mentioned each of DOES 1 through 50, inclusive,  
3 was the agent, servant, and/or employee of Defendant County, and in doing the  
4 things herein alleged was acting in the scope of his or her authority as such agent,  
5 servant, and/or employee, and with the permission and consent of Defendant  
6 County.

7 7. The true names and capacities, whether individual, associate or  
8 otherwise, of Defendants DOES 1 through 50, are unknown to Plaintiffs who  
9 therefore sue said Defendants by such fictitious names, and Plaintiffs will amend  
10 this Complaint to show their true names and capacities when the same have been  
11 ascertained. Plaintiffs are informed and believe and thereon allege that each of the  
12 Defendants, DOES 1 through 50, inclusive, are responsible in negligence,  
13 warranty, strictly, or otherwise, for the events and happenings herein referred to  
14 and proximately thereby caused and continue to cause the violation of the rights of  
15 the Plaintiffs as herein alleged.

16 8. At all times relevant to this collective action, Defendant County of  
17 Los Angeles, including LASD and LACP, has been an employer as defined within  
18 the FLSA, and at all time relevant to this collective action the Plaintiffs have been  
19 employees of Defendant County, including LASD and LACP, as defined within  
20 the FLSA.

### 21 **III. JURISDICTON**

22 9. Plaintiffs incorporate by reference and re-allege paragraphs 1 through  
23 8 as though fully set forth herein.

24 10. Plaintiffs in this FLSA collective action bring causes of action limited  
25 to alleged violations by the County of the FLSA for overtime compensation and  
26 CTO pursuant to 29 U.S.C. §§ 201 et seq., for liquidated damages, interest,  
27

1 attorneys fees and costs pursuant to 29 U.S.C. §§ 216, and for damages associated  
2 with intentional conduct pursuant to 29 U.S.C. § 255. Since the causes of action  
3 are based only on Federal statutes, jurisdiction in Central District Federal Court is  
4 proper pursuant to 28 U.S.C. § 1331.

#### 5 IV. VENUE

6 11. Plaintiffs incorporate by reference and re-allege paragraphs 1 through  
7 10 as though fully set forth herein.

8 12. Venue for this FLSA collective action in the Central District of  
9 California Federal Court is proper pursuant to 28 U.S.C. §1391(b) since Defendant  
10 County resides within this Central District and since the majority of events giving  
11 rise to the claims in this complaint, namely the County's Sheriff's and Police  
12 Department employees working without being provided overtime compensation  
13 for pre and post shift time incurred involving supervisory tasks and involving  
14 uniforms & special protective gear, occurred and continue occur within the  
15 Central District Court's judicial district.

#### 16 V. FACTUAL ALLEGATIONS

17 13. Plaintiffs incorporate by reference and re-allege paragraphs 1 through  
18 12 as though fully set forth herein.

19 14. All the named Plaintiffs have worked for the County, and/or continue  
20 to work for the County, during some portion or all of the time period pertinent to  
21 this action, including the period from July 31, 2005 to July 31, 2008 and going  
22 forward.

23 15. During at least the three (3) years prior to the filing of this collective  
24 action, and continuing to the present time, Defendant County has routinely  
25 required Plaintiffs and all similarly situated employees to incur time both prior to  
26 and following designated times for paid work shifts during which uniforms and  
27



1 special protective gear required for their work with the LASD and the LACP had  
2 to be donned, doffed, prepared, maintained or otherwise cared for, but for which  
3 the County provided no overtime compensation.

4 16. The time incurred by named Plaintiffs and all similarly situated  
5 employees involving uniforms and special protective gear has occurred and  
6 continues to occur on a regular basis; specifically, named Plaintiffs and all  
7 similarly situated employees incur time involving uniforms and special protective  
8 gear on each and every day they perform work for the LASD and/or the LACP.

9 17. The time spent by named Plaintiffs and all similarly situated  
10 employees involving uniforms and special protective gear on a regular basis  
11 includes, but is not limited to, the following:

- 12 a. The donning, doffing, cleaning, maintaining and otherwise  
13 caring for bullet proof vests (soft body armor);
  - 14 b. The donning, doffing, preparation of, maintaining and  
15 otherwise caring for gear/utility belts and associated  
16 components worn on such belts, including holsters, key  
17 keepers, handcuff cases, ammunition pouches, baton holders,  
18 batons, handcuffs, Department issued handguns, ammunition  
19 and ammunition clips, mace and flashlights.
  - 20 c. The donning, doffing, washing or shining, and otherwise caring  
21 for uniforms and associated badges, protective footwear and  
22 other gear to facilitate proper identification as representatives  
23 of the LASD and the LACP;
  - 24 d. The stocking, preparation of, and other care of First Aid kits,  
25 supplies and materials required to be carried and/or used on the  
26 job;
- 27

- 1 e. The stocking, preparation of, and other care of gear or 'war'
- 2 bags and all associated equipment, supplies and materials
- 3 required to be kept in and used from such bags on a daily basis.
- 4 f. The preparation of and care for associated other special
- 5 protective gear required for work with the LASD and the
- 6 LACP.

7 18. The named Plaintiffs and all similarly situated employees are required

8 by Defendant County to prepare and use the uniforms and special protective gear

9 listed in Paragraph No. 17 of this Complaint for their work with the LASD and the

10 LACP.

11 19. The named Plaintiffs and all similarly situated employees are required

12 to don, doff, prepare, care for, or otherwise incur time associated with the

13 uniforms and special protective gear required for their work with the LASD and

14 the LACP both prior to, and following designated paid shift times; named

15 Plaintiffs and all similarly situated employees are not provided any overtime

16 compensation or any other compensation by the County for such time spent with

17 special protective gear required for the work performed for the LASD and the

18 LACP.

19 20. The time incurred by each named Plaintiff and each similarly situated

20 employee on a daily basis for each day during which work is performed for the

21 LASD and the LACP involving donning, doffing, preparation of, or otherwise

22 caring for uniforms and special protective gear required for the work performed in

23 the LASD and the LACP averages between 30 and 60 minutes or more per named

24 Plaintiff and similarly situated employee per work day, for which the County

25 provides no overtime compensation or any other compensation to any of the

26 named Plaintiffs or to any similarly situated employees.

27



1           21. Peace officer supervisors of the LASD and LACP, unlike rank and  
2 file Deputies, must spend additional time preparing for the daily briefing before  
3 the beginning of their regularly paid work shift. Peace officer supervisors of the  
4 LASD and LACP are not provided any overtime compensation or any other  
5 compensation by the County for such time spent in preparing for briefing each  
6 day.

7           22. The named Plaintiffs and all similarly situated employees required to  
8 attend the briefing at the beginning of each paid work shift, are required to attend  
9 such briefings on time and may not be late. If the named Plaintiffs and/or any of  
10 the similarly situated employees required to attend these briefings are late to such  
11 briefings, they are subject to receiving formal discipline which will be reflected in  
12 their Personnel file.

13           23. The named Plaintiffs and similarly situated employees of the LASD  
14 and LACP are also at times required to conduct various pre-shift tasks which take  
15 place prior to their regularly paid work shift. Such tasks may include, but are not  
16 limited to, retrieving a patrol vehicle from a location different from the station the  
17 employee is assigned to, placing the gear or "war" bag in the patrol vehicle, along  
18 with any other equipment necessary for the shift, and any other tasks which may  
19 be required for the Plaintiff and/or similarly situated employee to carry out the  
20 functions of law enforcement as required by the LASD and LACP. The named  
21 Plaintiffs and all similarly situated employees are not provided any overtime  
22 compensation or any other compensation by the County for such pre-shift tasks as  
23 required for the work performed for the LASD and the LACP.

24           24. The named Plaintiffs and similarly situated employees of the LASD  
25 and LACP are also at times required to conduct various post-shift tasks which take  
26 place after their regularly paid work shift. Such tasks may include, but are not  
27 limited to, fueling up the patrol car at the end of each shift so it is ready for the

1 next shift, participating in any briefings to and for the benefit of employees  
2 assigned to oncoming shifts, staying after the end of the shift to review reports, or  
3 in the case of Sergeants employed by the LASD and the LACP, any tasks which a  
4 Lieutenant may order them to stay late and perform, as well as any and all other  
5 tasks required to be completed before the Plaintiff and/or similarly situated  
6 employee may go off duty, but which take place after the end of the regularly  
7 scheduled work shift. The named Plaintiffs and all similarly situated employees  
8 are not provided any overtime compensation or any other compensation by the  
9 County for such post-shift tasks as required for the work performed for the LASD  
10 and the LACP.

11 25. Defendant County has, during the time period applicable to this  
12 collective action and at least during some or all of the time period from July of  
13 2005 going forward, improperly provided CTO to the named Plaintiffs and  
14 similarly situated employees of the LASD and LACP on an hour-for-hour basis,  
15 instead of using the one and one half hour for each overtime hour worked basis for  
16 CTO required by the FLSA; the named Plaintiffs and similarly situated employees  
17 of the LASD and the LACP have therefore been denied portion of CTO which  
18 should have been accrued and credited for use by such employees.

19 26. At all times pertinent to this action, Defendant County has  
20 intentionally chosen not to provide any overtime compensation or any other  
21 compensation to named Plaintiffs or to all similarly situated employees for time  
22 incurred with supervisory pre and post shift tasks or for the time associated with  
23 uniforms and special protective gear both prior to and following designated paid  
24 shift times, despite the fact that the County requires all such time to be incurred by  
25 the named Plaintiffs and all similarly situated employees, and despite the fact that  
26 the County knew and still knows, through the LASD Sheriff, the LACP Chief, and  
27 managerial & supervisory employees working under the Sheriff and Chief, that

1 such pre and post shift time was and is incurred by the named Plaintiffs and by  
2 similarly situated employees who work for the LASD and the LACP; accordingly  
3 a three year statute of limitations and recovery period applies to this collective  
4 action, pursuant to 29 U.S.C. §255.

5 27. At all times pertinent to this action, Defendant County knowingly  
6 chose not to provide overtime compensation or any other compensation to named  
7 Plaintiffs and to all similarly situated employees of the LASD and the LACP for  
8 all time incurred with supervisory pre and post shift tasks and for all time spent  
9 both prior to and following designated paid work shifts during which named  
10 Plaintiffs and similarly situated employees had to don, doff, prepare, or otherwise  
11 care for uniforms and special protective gear required by the County for the work  
12 performed for the LASD and the LACP; the County has failed to provide any  
13 compensation for all such time associated with supervisory tasks and/or involving  
14 uniforms and special protective gear despite the fact that all such time spent with  
15 supervisory tasks and spent donning, doffing, preparing, or otherwise caring for  
16 such uniforms and special protective gear is required by the County for Plaintiffs  
17 and all similarly situated employees who work for the LASD and the LACP, and  
18 despite the fact that the County knew and still knows, through the LASD Sheriff,  
19 the LACP Chief, and managerial & supervisory employees working under the  
20 Sheriff and Chief, that such pre and post shift time was and is incurred by the  
21 named Plaintiffs and by similarly situated employees who work for the LASD and  
22 the LACP. Accordingly, the County cannot show any good faith belief that  
23 overtime compensation should not have been provided for such time, and therefore  
24 the County, owes liquidated damages pursuant to 29 U.S.C. §216 and U.S.C. §260  
25 in an amount equal to all other overtime compensation owed to Plaintiffs and all  
26 similarly situated employees for all pre and post shift time spent associated with  
27 uniforms and special protective gear.

## VI. COLLECTIVE ACTION ALLEGATIONS

28. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 27, as though fully set forth herein.

29. The named Plaintiffs bring this action individually on their own behalf, and collectively on behalf of all other past and present employees of the County who are similarly situated, as a 'collective action' as allowed by 29 U.S.C. §216; the 'class' of past and present County employees who are similarly situated to the named Plaintiffs includes all past and present sworn Sergeants and Lieutenants employed by the LASD who were and/or are members of LA PPOA (as part of Bargaining Unit No. 612), all past and present non-sworn Security Officers employed by the LASD who were and/or are members of LA PPOA (as part of Bargaining Unit No. 621), and all past and present sworn peace officers employed by the LACP who were and/or are members of LA PPOA (as part of Bargaining Units Nos. 631 and 632), who have worked for the County within the time period pertinent to this action, and who have incurred any time, either prior to or following designated paid work shift times, performing supervisory tasks or donning, doffing, preparing, maintaining or otherwise caring for uniforms and/or any special protective gear required by the County for work performed for the LASD and/or for the LACP, for which the County provided no overtime compensation or any other compensation. The 'class' for this collective action of past and present County employees who are similarly situated to the named Plaintiffs also includes all past and present sworn Sergeants and Lieutenants employed by the LASD, all past and present non-sworn Security Officers employed by the LASD, and all past and present sworn peace officers employed by the LACP, who have worked for the County and who have accrued CTO on an hour-for-hour basis for any amount of CTO accrued within the time period pertinent to this action, as opposed to the hour and a half of CTO for each hour of

1 overtime worked basis which is required by the FLSA.

2 30. The named Plaintiffs are similarly situated to all individuals in the  
3 class just described for this “opt-in” collective action because, like all individuals  
4 in the “opt-in” class, the named Plaintiffs incur time on a regular basis, both prior  
5 to and following designated paid shift times, during which they perform  
6 supervisory tasks and during which they must don, doff, prepare for, or otherwise  
7 care for uniforms and special protective gear required by the County for their work  
8 for the LASD and the LACP, but for which they are provided no overtime  
9 compensation or any other compensation by the County.

## 10 **VII. TORT CLAIMS ACT COMPLIANCE**

11 31. Plaintiffs incorporate by reference and re-allege paragraphs 1 through  
12 30 as though fully set forth herein.

13 32. On behalf of other named Plaintiffs and all similarly situated “opt-in”  
14 class members, named Plaintiffs LA PPOA and Bruce Vallerand have filed  
15 Government Tort Claims against Defendants pursuant to CA Gov. Code §§ 905 et.  
16 seq. for the claims alleged herein.

17 33. Named Plaintiff LA PPOA filed a tort claim against Defendant  
18 County on May 28, 2008, which was acknowledged as received by the County via  
19 a postcard sent by the County to counsel for LA PPOA dated June 2, 2008, and  
20 further acknowledged as received by the County via a letter (which stated the  
21 claim was “being investigated”) dated June 6, 2008 from the Office of the County  
22 Counsel for Defendant County to counsel for LA PPOA, such that Plaintiff LA  
23 PPOA’s tort claim was effectively rejected by the County on July 12, 2008, 45  
24 days after the claim was filed pursuant to CA Gov. Code § 912.4 since the County  
25 did not “act” on the claim as defined at CA Gov. Code § 912.6.

26 34. Named Plaintiff Bruce Vallerand filed a tort claim against Defendant  
27

County on May 28, 2008, which was acknowledged as received by the County via a postcard sent by the County to counsel for Mr. Vallerand dated June 2, 2008, and further acknowledged as received by the County via a letter (which stated the claim was "being investigated") dated June 6, 2008 from the Office of the County Counsel for Defendant County to counsel for Mr. Vallerand, such that Plaintiff Bruce Vallerand's tort claim was effectively rejected by the County on July 12, 2008, 45 days after the claim was filed pursuant to CA Gov. Code § 912.4 since the County did not "act" on the claim as defined at CA Gov. Code § 912.6.

### **VIII. FIRST CAUSE OF ACTION**

#### **(Violation of the FLSA, 29 U.S.C. §§ 201 et seq., including § 207)**

35. Plaintiffs incorporate by reference and re-allege paragraphs 1 through 34 as though fully set forth herein.

36. Based on the factual allegations stated, Defendant County has violated and continues to violate the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.), by failing to provide any overtime compensation, as required by § 207, to named Plaintiffs and to all similarly situated employees for at least the past three years and continuing presently for time incurred both prior to and following designated paid shift times during which the named Plaintiffs and similarly situated employees performed various supervisory tasks and during which the named Plaintiffs and all similarly situated employees don, doff, prepare, maintain or otherwise care for uniforms and special protective gear required by the County for the work performed for the LASD and the LACP.

37. The County has violated and continues to violate the FLSA for failing to provide overtime compensation for all such pre and post shift time at one and one half times the named Plaintiffs and similarly situated employees' regular hourly wage rates for all hours above forty (40.0) hours per week, as required by



1 the FLSA at 29 U.S.C. § 207; the applicable 'trigger' for this overtime pay is 40.0  
 2 hours per week as opposed to being the 171.0 hours per twenty-eight day work  
 3 period trigger (known as the '7k exemption') sometimes applicable to peace  
 4 officers, because Defendant County has not adopted the FLSA '7k exemption' due  
 5 to no formal adoption being made, due to the fact the County pays the named  
 6 Plaintiffs and similarly situated employees using half-month pay periods (as  
 7 opposed to 28 day or 14 day pay periods), and due to the County's policies and  
 8 practices of paying overtime above forty hours per week.

9 38. The County's failure to provide overtime compensation for time  
 10 incurred by Plaintiffs and similarly situated employees involving supervisory tasks  
 11 and involving uniforms & special protective gear violates the FLSA since such  
 12 time is compensable, and since the specific overtime pay provisions of the FLSA  
 13 at 29 U.S.C. § 207 require such time incurred by named Plaintiffs and similarly  
 14 situated employees to be compensated with overtime pay.

15 39. The County's failure to provide overtime compensation to named  
 16 Plaintiffs and all similarly situated employees for time incurred involving  
 17 supervisory tasks and uniforms & special protective gear was willful within the  
 18 meaning of 29 U.S.C. §255; accordingly, the County is liable for overtime  
 19 compensation for such time for at least three years prior to the filing of this  
 20 complaint.

## 21 **IX. SECOND CAUSE OF ACTION**

22 **(Violation of the FLSA, 29 U.S.C. §§ 201 et seq., including § 207(o) )**

23 40. Plaintiffs incorporate by reference and re-allege paragraphs 1 through  
 24 39 as though fully set forth herein.

25 41. Based on the factual allegations stated, Defendant County has  
 26 violated the Fair Labor Standards Act (29 U.S.C. §§ 201 et seq.), by failing to  
 27

1 provide compensatory time off ("CTO") to the named Plaintiffs and to similarly  
2 situated employees on an hour and a half for each hour of overtime worked basis,  
3 as required by § 207(o), and instead has provided CTO on an hour-for-hour basis  
4 during some or all of the time applicable to this collective action, and at least from  
5 July of 2005 going forward

6 42. The County's failure to properly provide CTO was willful within the  
7 meaning of 29 U.S.C. §255; accordingly, the County is liable for failing to provide  
8 all accrued CTO to the named Plaintiffs and to similarly situated employees for at  
9 least three years prior to the filing of this complaint.

10 **X. THIRD CAUSE OF ACTION**

11 **(Declaratory Relief)**

12 43. Plaintiffs incorporate by reference and reallege paragraphs 1 through  
13 42 as though fully set forth in herein.

14 44. An actual controversy has arisen and now exists between Plaintiffs  
15 and Defendants concerning: the failure by Defendant County to provide overtime  
16 compensation for all time incurred both prior to and following designated paid  
17 shifts by named Plaintiffs and by similarly situated employees of the LASD and  
18 the LACP while performing supervisory tasks and while donning, doffing,  
19 preparing, maintaining or otherwise caring for uniforms & special protective gear  
20 required by the County for work performed for the LASD and the LACP.

21 45. Plaintiffs desire a judicial determination that overtime pay at one and  
22 one half (1.5) times the regular rate of pay for Plaintiffs and similarly situated  
23 employees of the LASD and the LACP must be provided by the County for all  
24 time spent performing pre and post shift supervisory tasks and all time spent  
25 donning, doffing, preparing, maintaining or otherwise caring for uniforms &  
26 special protective gear required by the County for work performed for the LASD  
27

1 and the LACP, and that overtime pay is due for all such time incurred outside  
2 designated paid shift times and above 40 hours per week per named Plaintiff and  
3 similarly situated employee of the LAD and the LACP.

4 46. The judicial declaration is necessary and appropriate at this time  
5 under the circumstances in order to allow named Plaintiffs and all similarly  
6 situated employees of the LASD and the LACP to recover proper overtime  
7 compensation for all time spent performing supervisory tasks and all time spent  
8 donning, doffing, preparing, maintaining or otherwise caring for uniforms &  
9 special protective gear required by the County for work performed for the LASD  
10 and the LACP during the time period pertinent to this action and to ensure proper  
11 overtime compensation for such time incurred in the future.

## 12 **XI. FOURTH CAUSE OF ACTION**

### 13 **(Injunctive Relief)**

14 47. Plaintiffs incorporate by reference and reallege paragraphs 1 through  
15 46 as though fully set forth herein.

16 48. Defendants, by their actions, have displayed their intent to continue  
17 causing irreparable harm to the named Plaintiffs and similarly situated employees  
18 who presently work for Defendants. This harm includes but is not limited to the  
19 following: having to incur time both prior to and following designated paid shifts  
20 spent performing supervisory tasks and spent donning, doffing, preparing,  
21 maintaining or otherwise caring for uniforms & special protective gear required by  
22 the County for work performed for the LASD and the LACP without receiving any  
23 overtime compensation for such time, even though such time is compensable  
24 under the FLSA.

25 49. Plaintiffs and similarly situated employees have no adequate remedy  
26 at law for the harm that will be suffered due to their ongoing employment with  
27

1 Defendants, will continue to suffer irreparable harm, and may be required to  
 2 initiate a multiplicity of lawsuits to protect their right to receive proper overtime  
 3 compensation for all time incurred both prior to and following designated paid  
 4 shifts spent performing supervisory tasks and spent donning, doffing, preparing,  
 5 maintaining or otherwise caring for uniforms & special protective gear required by  
 6 the County for work performed for the LASD and the LACP .

## 7 8 **XII. PRAYER FOR RELIEF**

9  
10 WHEREFORE, Plaintiffs pray that this Court enter an Order in favor of Plaintiffs  
 11 and against Defendants awarding Plaintiffs relief as follows:

- 12 1. For a determination that the Causes of Action under 29 U.S.C. §§201  
 13 et seq., may be maintained as an “opt-in” collective action under 29  
 14 U.S.C. §216(b) as to the unnamed, but similarly situated employees of  
 15 Defendant County’s LASD and LACP Departments;
- 16 2. For declaratory relief in the form of a determination made by the  
 17 Court that the County has violated and continues to violate 29 U.S.C.  
 18 §§201 et seq., by failing to provide overtime compensation for time  
 19 incurred both prior to and following designated paid work shifts by  
 20 Plaintiffs and similarly situated employees spent performing  
 21 supervisory tasks and spent donning, doffing, preparing, maintaining  
 22 or otherwise caring for uniforms & special protective gear required by  
 23 the County for work performed in the LASD and the LACP;
- 24 3. For injunctive relief in the form of an order by the Court that, based  
 25 on the County’s violation of 29 U.S.C. §§ 201 et seq., regarding the  
 26 failure to provide overtime compensation for time incurred by  
 27

1 Plaintiffs and similarly situated employees spent performing  
2 supervisory tasks and spent donning, doffing, preparing, maintaining  
3 or otherwise caring for uniforms & special protective gear required by  
4 the County for work performed in the LASD and the LACP, the  
5 County is prohibited from continuing to fail to provide overtime  
6 compensation for such time incurred by Plaintiffs and all similarly  
7 situated employees, and therefore must provide proper overtime  
8 compensation as applicable for all future work performed by the  
9 Plaintiffs and all similarly situated employees.

10 4. For unpaid overtime pay compensation to named Plaintiffs and all  
11 similarly situated employees of Defendant County's LASD and  
12 LACP Departments during the time period pertinent to this action for  
13 all time outside designated paid work shift times spent performing  
14 supervisory tasks and/or spent donning, doffing, preparing,  
15 maintaining or otherwise caring for uniforms & special protective  
16 gear required for work performed for the LASD and the LACP when  
17 such time is above the 40.0 hour per week trigger for overtime pay for  
18 each named Plaintiff and for each similarly situated employee for any  
19 given work week, as set forth at 29 U.S.C. §207(a);

20 5. For all improperly denied CTO for named Plaintiffs and for similarly  
21 situated employees of Defendant's LASD and LACP Departments  
22 who received CTO on an hour-for-hour basis during any portion of  
23 the time period applicable to this action.

24 6. For additional liquidated damages, as authorized and quantified by 29  
25 U.S.C. §216(b) equal to all damages under items Nos. 4 and 5 in this  
26 Prayer for Relief;

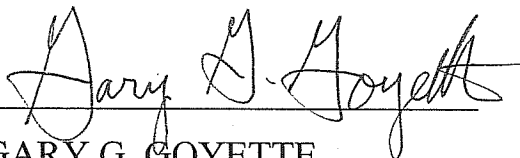
7. For pre-judgment interest at the prevailing legal rate;
8. For reasonable attorneys' fees and costs, pursuant to 29 U.S.C. §216(b);
- 9.. For such other and further relief at the Court may deem proper.

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**DEMAND FOR JURY TRIAL**

Plaintiffs, individually and on behalf of all others similarly situated, hereby demand trial of their claims by jury as provided by Rule 38(a) of the Federal Rules of Civil Procedure and to the extent authorized by law.

Dated: July 31, 2008



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